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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 DANIEL I MAYA REYES,

12 Plaintiff,

13 v.

14 WELLS FARGO BANK, NA, *et al.*,

15 Defendants.  
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Case No. 2:12-CV-00585-KJD-CWH

**ORDER**

17 Before the Court is the Motion for Leave to File Out of Time (#14) and the Motion for Leave  
18 to File Amended Complaint (#15). Defendants have filed a response (#16).

19 The background of this action is set out in the Court's October 29, 2012, Order (#13). In that  
20 Order, the Court granted Plaintiff's motion for leave to file the opposition to the motion to dismiss  
21 out of time. In the motion, Plaintiff's counsel cited the fact that her legal assistant quit in April of  
22 2012, as the reason she failed to timely file the opposition. The Court granted Defendants' motion to  
23 dismiss, but allowed Plaintiff to file a motion for leave to amend the Complaint on or before  
24 November 12, 2012.

25 Plaintiff's counsel did not timely file a motion for leave to amend the Complaint. Instead, on  
26 November 15, 2012, Plaintiff's counsel filed her second Motion for Leave to File Out of Time and

1 the Motion for Leave to Amend. Plaintiff's counsel again cited the fact that she does not have an  
2 assistant working for her as the reason she did not comply with the deadline. Defendants filed an  
3 opposition to both the Motion for Leave to File Out of Time and Motion for Leave to Amend.  
4 Plaintiff's counsel failed to file a reply responding the arguments raised by Defendants.

5 The Court has considered the arguments raised in Defendants' opposition and finds that they  
6 support denial of both the Motion for Leave to File Out of Time and the Motion to Amend. Plaintiff  
7 has not responded to the arguments raised in Defendants' opposition.

8 **IT IS HEREBY ORDERED** that the Motion for Leave to File Out of Time (#14) is  
9 **DENIED.**

10 **IT IS FURTHER ORDERED** that the Motion for Leave to File Amended Complaint (#15)  
11 is **DENIED.**

12 **IT IS FURTHER ORDERED** that this action is dismissed **WITH PREJUDICE.**

13 DATED this 7<sup>th</sup> day of January 2013.

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Kent J. Dawson  
United States District Judge